

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
) No. 2:09 CR 84
)
v.)
)
WILLIAM DAVID GEIGER)

ACCEPTANCE OF PLEA OF GUILTY,
ADJUDICATION OF GUILTY AND
NOTICE OF SENTENCING

Pursuant to the Report and Recommendation of the United States Magistrate Judge, to which the defendant has waived objection, and subject to this court's consideration of the Plea Agreement pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 11(c)(3), the plea of guilty of the offense charged in Count 1 of the Indictment is hereby accepted, and the defendant is adjudged guilty of such offense. The defendant and his counsel shall appear before the undersigned for sentencing on the **thirtieth day of July, 2010**, at 10 a.m.

Defense counsel is **directed** to schedule an appointment with the probation officer in order to confer regarding defendant's sentence, including the advisory guidelines sentencing range and Section 3553(a) sentencing factors. FEDERAL RULE OF CRIMINAL PROCEDURE 32 and this court's General Orders 2001-1 and 2010-8 require that within 14 days following receipt of the pre-sentence report counsel communicate in writing with the probation officer and opposing counsel any objections as to any material information, criminal history, sentencing classification, guidelines sentencing range, conclusions as to applicable Section 3553(a) sentencing factors, and policy statements contained in or omitted from the pre-sentence report. Counsel should also communicate any request for a particular sentence, with the exception of a government

request for a lower sentence pursuant to Section 5K1.1 of the UNITED STATES SENTENCING GUIDELINES MANUAL.

Importantly, the court advises that failure to object to the probation officer's conclusions regarding the applicability of Section 3553(a) factors may be considered as an admission that defendant has no objections to that section of the pre-sentence report. Also, if there are no objections to the contents of the pre-sentence report, defendant must submit to the probation officer and opposing counsel a written acknowledgment of having no objections.

Not less than 7 days before the sentencing hearing, each party shall submit a sentencing memorandum which may contain a request for any particular sentence that is reasonable and any other matters or circumstances relevant to sentencing. The government's memorandum may contain a request for a lower sentence pursuant to Section 5K1.1 of the UNITED STATES SENTENCING GUIDELINES MANUAL. These filings are mandatory because they are helpful to the court in determining an appropriate sentence for the defendant and also, they eliminate any surprises at the sentencing hearing.

The decision on accepting or rejecting the Plea Agreement is delayed until the sentencing hearing. If the terms of the Plea Agreement are rejected, defendant will be given a full opportunity to withdraw his plea of guilty. If he chooses to do so, his plea of not guilty will be reinstated, and he will go to trial before a jury on Count 1 of the indictment.

SO ORDERED.

Date: May 28, 2010

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT

